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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,025	01/08/2004	Indu Bhusan Chatterjee	3030.003USV	6063

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EXAMINER

WALLS, DIONNE A

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/754,025

Applicant(s)

CHATTERJEE, INDU BHUSAN

Examiner

Dionne A. Walls

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,5,39 and 40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,5,39 and 40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 10/076,033.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification or in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

### ***Claim Objections***

2. Claims 2 and 5 are objected to because of the following informalities:

In claims 2 and 5, in line 2, delete "smole resonsible", and replace with -- smoke responsible --,

In claims 2 and 5, in line 3, delete "siad" and replace with -- said --,

In claims 2 and 5, in line 3, delete "comprising", and replace with -- comprising: --

In claims 2 and 5, line 6, delete "cigarette", and replace with -- cigarettes --,

In claim 2, last line of step (e), delete "and",

In claim 2, first line of step (f), replace "step e" with -- step (e) --,

In claim 2, last line of step (f), delete "solution." and replace with -- solution; --.

Applicant is asked to thoroughly review the claims for any other typographical and/or grammatical errors. Correction is requested.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2, 5, 39 and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 2 recites the following limitations: In step (a), "the above solution", "the filtrate", "the desired cigarette smoke solution (cs solution)"; In step (b), "the lower methylene chloride layer", "the upper yellow coloured aqueous layer"; In step (c), "said aqueous layer of cigarette smoke", "the pooled yellow butanol extract", "the lyophilized material", "the acetone solution", "said acetone extract"; In step (d), "said methanol solution", "the developed material", "the band material", "the acetone layer"; In step (e), "the aqueous solution", "the upper n-butanol layer", "the major cs oxidant"; In step (f), "the parent cs solution"; In step (h), "the parent tar solution". There is insufficient antecedent basis for these limitations in the claim.
6. Claim 5 recites the following limitations: In step (a), "the above solution", "the filtrate", "the desired cigarette smoke solution (cs solution)"; In step (b), "the lower methylene chloride layer", "the upper yellow coloured aqueous layer"; In step (c), "said aqueous layer of cigarette smoke", "the pooled yellow butanol extract", "the lyophilized material", "the acetone solution", "said acetone extract"; In step (d), "said methanol

solution", "the developed material", "the band material", "the acetone layer"; In step (e), "the aqueous solution", "the upper n-butanol layer", "the major cs oxidant"; In step (f), "the parent cs solution". There is insufficient antecedent basis for these limitations in the claim.

7. Claim 39 recited the following limitations: In line 1-2, "said isolated pure cigarette smoke (cs) oxidant". There is insufficient antecedent basis for this limitations in the claim.

8. Claim 40 recited the following limitations: In line 2, "cs solution". There is insufficient antecedent basis for this limitations in the claim.

9. Applicant is asked to thoroughly review the claims for any additional antecedent basis or other issues that may affect the clarity of the claim recitation. Correction is requested.

***Allowable Subject Matter***

10. Claims 2,5, 39 and 40 would be allowable if rewritten or amended to overcome the objections and rejection under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

11. The following is an examiner's statement of reasons for allowance: The closest prior art of record teaches methods wherein combustion products of cigarette smoking are analyzed for levels of particular constituents, i.e. tar, nicotine. However, said art neither teaches nor suggests a process for the isolation of p-benzosemiquinone, from cigarette smoke, in the manner claimed.

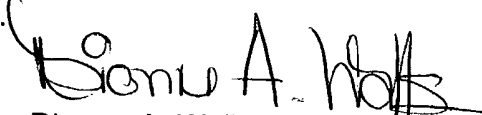
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne A. Walls whose telephone number is (571) 272-1195. The examiner can normally be reached on Mon-Fri, 7AM - 4:30PM (Every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dionne A. Walls  
Primary Examiner  
Art Unit 1731

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November 15, 2004